

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 245, Page 2, Section  
2 488.024, Line 10, by inserting after all of said Section and Line the following:

3  
4 "512.180. 1. Any person aggrieved by a judgment in a civil case tried without a jury before an  
5 associate circuit judge, other than an associate circuit judge sitting in the probate division or who has  
6 been assigned to hear the case on the record under procedures applicable before circuit judges, shall  
7 have the right of a trial de novo in all cases tried before municipal court or under the provisions of  
8 chapters 482, 534, and 535, except in actions between a landlord and a tenant under chapter 535.

9 2. In all other contested civil cases tried with or without a jury before an associate circuit  
10 judge or on assignment under such procedures applicable before circuit judges or in any  
11 misdemeanor case or county ordinance violation case a record shall be kept, and any person  
12 aggrieved by a judgment rendered in any such case may have an appeal upon that record to the  
13 appropriate appellate court. At the discretion of the judge, but in compliance with the rules of the  
14 supreme court, the record may be a stenographic record or one made by the utilization of electronic,  
15 magnetic, or mechanical sound or video recording devices."; and

16  
17 Further amend said bill, Page 2, Section 514.040, Line 25, by inserting after all of said section and  
18 line the following:

19  
20 "534.055. If the tenant has an unauthorized pet on the landlord's property, the landlord may  
21 contact the appropriate local animal control officer or animal shelter to have the pet removed from  
22 the property or may terminate the lease agreement. As used in this section, "unauthorized pet"  
23 means:

24 (1) A pet prohibited by the lease or any local ordinance; or

25 (2) Any animal deemed aggressive.

26 534.060. Forcible entries and detainers, and unlawful detainers, may be heard and  
27 determined by any associate circuit judge of the county in which they are committed. Neither the  
28 provisions of this section or any other section in this chapter shall preclude adoption of a local circuit  
29 court rule providing for the centralized filing of such cases, nor the assignment of such cases to  
30 particular associate circuit or circuit judges pursuant to local circuit court rule or action by the  
31 presiding judge of the circuit. Such cases shall be heard and determined by associate circuit judges  
32 unless a circuit judge is transferred or assigned to hear such case or cases or unless the plaintiff

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

pursuant to subsection 2 of section 478.250 has designated the case as one to be heard under the practice and procedure applicable before circuit judges and the case is heard by a circuit judge. If the case is heard before an associate circuit judge who has not been specially assigned to hear the case on the record, to the extent practice and procedure are not provided in this chapter the practice and procedure provided in chapter 517 shall apply. If the case is heard initially before an associate circuit judge who has been specially assigned to hear the case on a record or before a circuit judge, the case shall be heard and determined under the same practice and procedure as would apply if the case was being heard upon an application for trial de novo unless the case involves an action between a landlord and a tenant, and in such instances, notwithstanding the specific references to chapter 517 in this chapter, the practice and procedure provided in the Missouri Rules of Civil Procedure and the extant provisions of The Civil Code of Missouri shall apply instead of those contained in chapter 517.

535.020. 1. Whenever any rent has become due and payable, and payment has been demanded by the landlord or the landlord's agent from the lessee or person occupying the premises, and payment thereof has not been made, the landlord or agent may file a statement, verified by affidavit, with any associate circuit judge in the county in which the property is situated, setting forth the terms on which such property was rented, and the amount of rent actually due to such landlord; that the rent has been demanded from the tenant, lessee or person occupying the premises, and that payment has not been made, and substantially describing the property rented or leased. Giving the notice provided in section 441.060 is not required prior to filing a statement or obtaining the relief provided in this chapter. In such case, the clerk of the court shall immediately issue a summons directed to such tenant or lessee and to all persons occupying the premises, by name, requiring them to appear before the judge upon a day to be therein named, and show cause why possession of the property should not be restored to the plaintiff. The landlord or agent may, in such an action for unpaid rent, join a claim for any other unpaid sums, other than property damages, regardless of how denominated or defined in the lease, to be paid by or on behalf of a tenant to a landlord for any purpose set forth in the lease; provided that such other sums shall not be considered rent for purposes of this chapter, and judgment for the landlord for recovery of such other sums shall not by itself entitle the landlord to an order for recovery of possession of the premises. The provisions of this section providing for the filing of a statement before an associate circuit judge shall not preclude adoption of a local circuit court rule providing for the centralized filing of such cases, nor the assignment of such cases to particular circuit or associate circuit judges pursuant to local circuit court rule or action by the presiding judge of the circuit. The case shall be heard and determined under the practice and procedure provided in the Missouri rules of civil procedure, except where otherwise provided by this chapter.

2. If a judgment has been entered in favor of the plaintiff under subsection 1 of this section for recovery of the premises, the sheriff of the county in which the premises is located, within ten days of such judgment, may inspect the premises for the sole purpose of determining safety prior to the removal of any contents as required by the court.

535.030. 1. Such summons shall be served as in other civil cases at least four days before the court date in the summons. The summons shall include a court date which shall not be more than

1 twenty-one business days from the date the summons is issued unless at the time of filing the  
2 affidavit the plaintiff or plaintiff's attorney consents in writing to a later date.

3 2. In addition to attempted personal service, the plaintiff may request, and thereupon the  
4 clerk of the court shall make an order directing that the officer, or other person empowered to  
5 execute the summons, shall also serve the same by securely affixing a copy of such summons and the  
6 complaint in a conspicuous place on the dwelling of the premises in question at least ten days before  
7 the court date in such summons, and by also mailing a copy of the summons and complaint to the  
8 defendant at the defendant's last known address by ordinary mail at least ten days before the court  
9 date. If the officer, or other person empowered to execute the summons, shall return that the  
10 defendant is not found, or that the defendant has absconded or vacated his or her usual place of  
11 abode in this state, and if proof be made by affidavit of the posting and of the mailing of a copy of  
12 the summons and complaint, the judge shall at the request of the plaintiff proceed to hear the case as  
13 if there had been personal service, and judgment shall be rendered and proceedings had as in other  
14 cases, except that no money judgment shall be granted the plaintiff where the defendant is in default  
15 and service is by the posting and mailing procedure set forth in this section.

16 3. If the plaintiff does not request service of the original summons by posting and mailing as  
17 provided in subsection 2 of this section, and if the officer, or other person empowered to execute the  
18 summons, makes return that the defendant is not found, or that the defendant has absconded or  
19 vacated the defendant's usual place of abode in this state, the plaintiff may request the issuance of an  
20 alias summons and service of the same by posting and mailing in the time and manner provided in  
21 subsection 2 of this section. In addition, the plaintiff or an agent of the plaintiff who is at least  
22 eighteen years of age may serve the summons by posting and mailing a copy of the summons in the  
23 time and manner provided in subsection 2 of this section. Upon proof by affidavit of the posting and  
24 of the mailing of a copy of the summons or alias summons and the complaint, the judge shall  
25 proceed to hear the case as if there had been personal service, and judgment shall be rendered and  
26 proceedings had as in other cases, except that no money judgment shall be granted the plaintiff  
27 where the defendant is in default and service is by the posting and mailing procedure provided in  
28 subsection 2 of this section.

29 4. On the date judgment is rendered as provided in this section where the defendant is in  
30 default, the clerk of the court shall mail to the defendant at the defendant's last known address by  
31 ordinary mail a notice informing the defendant of the judgment and the date it was entered, and  
32 stating that the defendant has ten days from the date of the judgment to file a motion to set aside the  
33 judgment [or to file an application for a trial de novo] in the circuit court, as the case may be, and  
34 that unless the judgment is set aside [or an application for a trial de novo is filed] within ten days, the  
35 judgment will become final and the defendant will be subject to eviction from the premises without  
36 further notice.

37 535.110. Applications for [trials de novo and] appeals shall be allowed and conducted in the  
38 manner provided in chapter 512; but no application for [a trial de novo or] an appeal shall stay  
39 execution unless the defendant give bond, with security sufficient to secure the payment of all  
40 damages, costs and rent then due, and with condition to stay waste and to pay all subsequently  
41 accruing rent, if any, into court within [ten] three days after it becomes due, pending determination

1 of the [trial de novo or] appeal.

2 535.160. If the defendant, on the date any money judgment is given in any action pursuant to  
3 this chapter, either tenders to the landlord, or brings into the court where the suit is pending, all the  
4 rent then in arrears, and all the costs, further proceedings in the action shall cease and be stayed. If  
5 on any date after the date of any original trial [but before any trial de novo] the defendant shall  
6 satisfy such money judgment and pay all costs, any execution for possession of the subject premises  
7 shall cease and be stayed; except that the landlord shall not thereby be precluded from making  
8 application for appeal from such money judgment. If for any reason no money judgment is entered  
9 against the defendant and judgment for the plaintiff is limited only to possession of the subject  
10 premises, no stay of execution shall be had, except as provided by the provisions of section 535.110  
11 or the rules of civil procedure or by agreement of the parties.

12 535.170. After the execution of any judgment for possession pursuant to this chapter, the  
13 lessee and the lessee's assignees, and all other persons deriving title under the lease from such lessee,  
14 shall be barred from reentry of such premises and from all relief, and except for error in the record or  
15 proceedings, the landlord shall from that day hold the demised premises discharged from the lease.  
16 Nothing in this section shall preclude an aggrieved party from perfecting an appeal [or securing a  
17 trial de novo] as to any judgment rendered, and may as a result of such appeal [or trial de novo]  
18 recover any damage incurred, including damages incurred from an unlawful dispossession.

19 535.190. If a tenant appears before a judge in an action for nonpayment of rent, the court  
20 shall inquire, on the record, about the tenant's current residence and current place of employment.

21 535.200. 1. In the twenty-second judicial circuit, upon adoption of an ordinance by the city  
22 of St. Louis providing for expenditure of city funds for such purpose, a majority of the circuit judges,  
23 en banc, may establish a landlord-tenant court, which shall be a division of the circuit court, and may  
24 authorize the appointment of not more than two landlord-tenant court commissioners. The  
25 landlord-tenant court commissioners shall be appointed by a landlord-tenant court judicial  
26 commission consisting of the presiding judge of the circuit, who shall be the chair, one circuit judge  
27 elected by the circuit judges, one associate circuit judge elected by the associate circuit judges of the  
28 circuit, and two members appointed by the mayor of the city of St. Louis, each of whom shall  
29 represent one of the two political parties casting the highest number of votes at the next preceding  
30 gubernatorial election. The procedures and operations of the landlord-tenant court judicial  
31 commission shall be established by circuit court rule.

32 2. Landlord-tenant commissioners may be authorized to hear in the first instance disputes  
33 involving landlords and their tenants. Landlord-tenant commissioners shall be authorized to make  
34 findings of fact and conclusions of law, and to issue orders for the payment of money, for the giving  
35 or taking of possession of residential property and any other equitable relief necessary to resolve  
36 disputes governed by the laws in chapters 441, 524, 534, and this chapter. Landlord-tenant  
37 commissioners may not, by ex parte means, hear cases and issue orders.

38 3. Landlord-tenant commissioners shall be licensed to practice law in this state and shall  
39 serve at the pleasure of a majority of the circuit and associate circuit judges, en banc, and shall be  
40 residents of the city of St. Louis, and shall receive as annual compensation an amount equal to  
41 one-third of the annual compensation of an associate circuit judge. Landlord-tenant commissioners

1 shall not accept or handle cases in their practice of law which are inconsistent with their duties as a  
2 landlord-tenant commissioner and shall not be a judge or prosecutor for any other court.  
3 Landlord-tenant commissioners shall not be considered state employees and shall not be members of  
4 the state employees' or judicial retirement system or be eligible to receive any other employment  
5 benefit accorded state employees or judges.

6 4. A majority of the judges of the circuit, en banc, shall establish operating procedures for  
7 the landlord-tenant court. Proceedings in the landlord-tenant court shall be conducted as in cases  
8 tried before an associate circuit judge. The hearing shall be before a landlord-tenant commissioner  
9 without jury, and the commissioner shall assume an affirmative duty to determine the merits of the  
10 evidence presented and the defenses of the defendant and may question parties and witnesses. Clerks  
11 and computer personnel shall be assigned as needed for the efficient operation of the court.

12 5. The parties to a cause of action before a commissioner of the landlord-tenant court are  
13 entitled to file with the court a motion for a hearing in associate circuit court within ten days after the  
14 mailing, or within ten days after service.

15 6. Operating procedures shall be provided for electronic recording of proceedings at city  
16 expense. Any person aggrieved by a judgment in a case decided under this section shall have a right  
17 to [a trial de novo in circuit court, or] an appeal to the appropriate appellate court, in the same  
18 manner as would a person aggrieved by a decision of an associate circuit judge under section  
19 535.110. The procedures for perfecting the right of [a trial de novo or] an appeal shall be the same as  
20 that provided pursuant to sections 512.180 to 512.320.

21 7. Any summons issued for the proceedings in the landlord-tenant court shall have a return  
22 date of ten days. The sheriff must attempt to serve any summons within four days of the date of  
23 issuance.

24 8. All costs to establish and operate a landlord-tenant court under this section shall be borne  
25 by the city of St. Louis.

26 535.210. 1. In the sixteenth judicial circuit, upon adoption of an ordinance by Jackson  
27 County providing for expenditure of county funds for such purpose, a majority of the circuit court  
28 judges, en banc, may establish a landlord-tenant court, which shall be a division of the circuit court,  
29 and may authorize the appointment of not more than two landlord-tenant court commissioners. The  
30 landlord-tenant court commissioners shall be appointed by a landlord-tenant court judicial  
31 commission consisting of the presiding judge of the circuit, who shall be the chair, one circuit judge  
32 elected by the circuit judges, one associate circuit judge elected by the associate circuit judges of the  
33 circuit, and two members appointed by the county executive of Jackson County, each of whom shall  
34 represent one of the two political parties casting the highest number of votes at the next preceding  
35 gubernatorial election. The procedures and operations of the landlord-tenant court judicial  
36 commission shall be established by circuit court rule.

37 2. Landlord-tenant commissioners may be authorized to hear in the first instance disputes  
38 involving landlords and their tenants. Landlord-tenant commissioners shall be authorized to make  
39 findings of fact and conclusions of law, and to issue orders for the payment of money, for the giving  
40 or taking of possession of residential property and any other equitable relief necessary to resolve  
41 disputes governed by the laws in chapters 441, 524, 534, and this chapter. Landlord-tenant

1 commissioners may not, by ex parte means, hear cases and issue orders.

2 3. Landlord-tenant commissioners shall be licensed to practice law in this state and shall  
3 serve at the pleasure of a majority of the circuit and associate circuit judges, en banc, and shall be  
4 residents of Jackson County, and shall receive as annual compensation an amount equal to one-third  
5 of the annual compensation of an associate circuit judge. Landlord-tenant commissioners shall not  
6 accept or handle cases in their practice of law which are inconsistent with their duties as a  
7 landlord-tenant commissioner and shall not be a judge or prosecutor for any other court.  
8 Landlord-tenant commissioners shall not be considered state employees and shall not be members of  
9 the state employees' or judicial retirement system or be eligible to receive any other employment  
10 benefit accorded state employees or judges.

11 4. A majority of the judges of the circuit court, en banc, shall establish operating procedures  
12 for the landlord-tenant court. Proceedings in the landlord-tenant court, shall be conducted as in cases  
13 tried before an associate circuit judge. The hearing shall be before a landlord-tenant commissioner  
14 without jury, and the commissioner shall assume an affirmative duty to determine the merits of the  
15 evidence presented and the defenses of the defendant and may question parties and witnesses. Clerks  
16 and computer personnel shall be assigned as needed for the efficient operation of the court.

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19 mailing, or within ten days after service.

20 6. Operating procedures shall be provided for electronic recording of proceedings at county  
21 expense. Any person aggrieved by a judgment in a case decided under this section shall have a right  
22 to [a trial de novo in circuit court, or] an appeal to the appropriate appellate court, in the same  
23 manner as would a person aggrieved by a decision of an associate circuit judge under section  
24 535.110. The procedures for perfecting the right of [a trial de novo or] an appeal shall be the same as  
25 that provided pursuant to sections 512.180 to 512.320.

26 7. Any summons issued for the proceedings in the landlord-tenant court shall have a return  
27 date of ten days from the date of service. The sheriff must attempt to serve any summons within four  
28 days of the date of issuance.

29 8. All costs to establish and operate a landlord-tenant court under this section shall be borne  
30 by Jackson County."; and

31  
32 Further amend said bill by amending the title, enacting clause, and intersectional references  
33 accordingly.  
34